

Date: Wed, 23 Jun 93 04:30:33 PDT
From: Ham-Policy Mailing List and Newsgroup <ham-policy@ucsd.edu>
Errors-To: Ham-Policy-Errors@UCSD.Edu
Reply-To: Ham-Policy@UCSD.Edu
Precedence: Bulk
Subject: Ham-Policy Digest V93 #203
To: Ham-Policy

Ham-Policy Digest Wed, 23 Jun 93 Volume 93 : Issue 203

Today's Topics:

ARRL EMI/RFI help (was Re: NQ0I Case: A Proposal for Action)
 Blind VEs (2 msgs)
 jammers and fcc
NQ0I Case : HF Vertical Antennas
 uk.radio.amateur now exists!
 Unlicensed broadcasting

Send Replies or notes for publication to: <Ham-Policy@UCSD.Edu>
Send subscription requests to: <Ham-Policy-REQUEST@UCSD.Edu>
Problems you can't solve otherwise to brian@ucsd.edu.

Archives of past issues of the Ham-Policy Digest are available
(by FTP only) from UCSD.Edu in directory "mailarchives/ham-policy".

We trust that readers are intelligent enough to realize that all text
herein consists of personal comments and does not represent the official
policies or positions of any party. Your mileage may vary. So there.

Date: Tue, 22 Jun 1993 12:57:00 GMT
From: sdd.hp.com!saimiri.prima.te.wisc.edu!sal.wisc.edu!larry.sal.wisc.edu!
sde@network.UCSD.EDU
Subject: ARRL EMI/RFI help (was Re: NQ0I Case: A Proposal for Action)
To: ham-policy@ucsd.edu

While the ARRL has put together some excellent information for assisting
amateurs in dealing with RFI problems, their recommended approach often is
impractical for hams who live in residential areas. One problem is
that a number of one's neighbors are likely to be uncooperative. Another
is that, in a typical residential neighborhood, there are likely
to be a couple dozen neighbors within RFI range, each of whom probably has
a dozen or so susceptible devices. The result is a totally unreasonable amount
of work and expense to the amateur. The REAL solution lies in legislation that
requires the manufacturers of electronic devices to make them immune to RFI.

Scott Ellington K9MA

sde@larry.sal.wisc.edu

Date: 22 Jun 1993 13:44:05 GMT
From: swrinde!gatech!asuvax!chnews!news@network.UCSD.EDU
Subject: Blind VEs
To: ham-policy@ucsd.edu

In a previous posting, W5GYJ comments on seeking
a ruling from the FCC on blind VE's:

>>Once that was done, whatever they {the FCC} said became law.
>>No proof required.
>>And the only legal recourse is an appeal to the federal courts....

mikef@pacifier.rain.com, Mike Freeman, K7UIJ writes:

>I disagree that no proof is required. However, as you say,
>it *may* have to go to the courts -- an outcome it is devoutly to
>be hoped that can be avoided for courts can just as easily make
>adverse precedents more entrenched as reverse them.

W5GYJ:

My point was that when a court hands down a decision, it *may*
write an opinion explaining the decision, but it doesn't have to.
It doesn't have to "prove" anything.

W5GYJ (previously):

>>...work the problem through the
>>back channels of the FCC... a "proof" that the integrity of the
>>exam-giving process would not be compromised.

K7UIJ:

>The problem with this is that it would be an open-ended proof.
>By asking someone to prove that something will NOT happen, you
>are, in effect, asking him/her to be omniscient. Only God,
>if he/she/it exists, is omniscient. IMHO it is unfair to
>expect of humanity that which only God can fulfill.

W5GYJ:

This is a good point and I agree. Seeking an absolute
proof in anything other than mathematics is a fool's
mission. Rather, it should be an agreement that a set of

precautions would be taken to lessen the probability of cheating. And, as with all probabilistic arguments, it would have a certain amount of "fuzziness" built in.

K7UIJ:

>Besides, there are other ways to prove the FCC's fears to be groundless.
>FCC could take account of the experiences of the blind over the
>past half-century which have shown that the blind can successfully
>function as teachers (including proctoring of exams) and have
>served well in numerous situations which required detection of
>fraud.

W5GYJ:

Yeah, this is, after all, just a bunch of people taking a multiple-choice exam. The cases of exam fraud seen to date seem to involve extended conspiracies among the VE's rather than examinees peeking at each other's papers. I don't think blindness would play any kind of crucial role in setting up a "radio school".

W5GYJ (previously):

>>I see it as amateur radio operators having to, once again, prove
>>something to *government*. And, unfortunately, as in the past, it
>>will be the operators most affected by this who will carry most of the
>>weight.

K7UIJ:

>Perhaps. But if we start down that road, the proof will be never-ending.

W5GYJ:

We have and it is. Welcome to the wonderful world of communications law.

Jim Bromley, W5GYJ

Date: Tue, 22 Jun 1993 16:16:12 GMT
From: usc!howland.reston.ans.net!darwin.sura.net!knuth.mtsu.edu!raider!theporch!
jackatak!root@network.UCSD.EDU
Subject: Blind VEs
To: ham-policy@ucsd.edu

gary@ke4zv.uucp (Gary Coffman) writes:

> The VE process has to be above reproach, like Ceaser's wife, even
> the appearance of impropriety must be avoided.
This turn is interesting to me, and I think it goes way beyond the
"rights of the blind" issues of before. It is exactly the APPEARANCE
OF IMPROPRIETY that makes the situation as it is, not a "legal"
interpretation.

I teach introductory and upgrade classes for ham radio. Good success
rate and lots of happy students with tickets running around Nashville.
All this has been at a cost: I can not get members of the VE Team to
come to the class to participate in the teaching BEACUSE OF THE
APPEARANCE OF IMPROPRIETY!!! They claim that having a VE attend the
classes, in whatever capacity, and then be seen at the VE session
would give someone the appearance of the potential of impropriety.

Personally, I believe this is a vaccuous and silly argument, but
nonetheless, that is what I am told.

Then too, perhaps the flood of new hams and upgrades have clogged the
que for the ARRL VEC, but I have been "in the queue" for a long time
awaiting the paperwork to be filled out *before* I can become an
examiner, and that seems to be a simple secretarial job to stick a
bunch of material in an envelope and lick a stamp (heck, they spent
money on modernizinf 225 Main Street...I betcha they even have a
postage meter) and send it off. Before I imply that Newington is not
responsive, it may be the USPS who swallowed it!

> I think that they are very very reluctant to allow anything that
> would make the exam process appear to be even less closely controlled
> than it is. Unlicensed observers are just such a thing. (Though as
> I've said before, holding an Extra class license doesn't automatically
> make someone a qualified proctor.)

Here, I must agree with Gary, and there is NOTHING in his comments
that precludes blind, nor INCLUDES sighted purely on the basis of
visual acuity.

> This issue goes beyond the physical impairments of some VE candidates.
> I don't think flight physicals are the answer, but certified observers
> certainly would be a step in the right direction.

And, as we basically all seem to agree, the Amateur Extra Class
license is NOT a good indicator of test proctoring and administrative
skills. The logic for having full VEs hold Extra tickets sprung from
at least two fronts: 1) not giving an lesser license holder a look at
exams s/he might take themselves in the future; and, 2) the concept of
a lesser class license holder not being "appropriate" to test a

superior... That one I find a bit troubling, but the bureaucratic mind being what it is, it is part of the equation. I say, we should all have to pass an exam proctoring/administrating exam (Geez, where can I get the question pool? What's the ftp site? ;^) and not merely have an Extra...

Sorry for jumping in so late... I've been leaning, and lost my balance! ;^)

73

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+-----+
| Jack GF Hill          |Voice: (615) 459-2636 -           Ham Call: W4PPT |
| P. O. Box 1685        |Modem: (615) 377-5980 -   Bicycling and SCUBA Diving |
| Brentwood, TN 37024  |Fax:   (615) 459-0038 -           Life Member - ARRL |
| root@jackatak.raider.net - "Plus ca chnagez, plus ca la meme chose" |
+-----+
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Date: Tue, 22 Jun 93 19:34:33 GMT
From: btree!bly@network.UCSD.EDU
Subject: jammers and fcc
To: ham-policy@ucsd.edu

In article <C8zu6B.3vt@iat.holonet.net> knbing@iat.holonet.net (KEn Bingham) writes:

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>... it seems the the fcc dosent give a squat about jammers
>(jammers with call signs that is)
>i would like to know who can actually do something about the menacing of
>the public airways that happens
>
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What is your definition of jamming? FCC only cares if it is malicious interference or interference with another service.

-Roger

Date: Wed, 23 Jun 1993 02:55:40 GMT
From: swrinde!cs.utexas.edu!asuvax!ennews!enuxva.eas.asu.edu!
shandrow@network.UCSD.EDU
Subject: NQOI Case : HF Vertical Antennas
To: ham-policy@ucsd.edu

I have been following this thread as pretty closely. It seems that it

would be a good idea to set some sort of minimum tower height which should be permitted. 40 feet seems like a good number. With a 40 foot tower you can put up a couple of good antennas and work great dx. It is also enough height to put up some good vhf/uhf/microwave antennas for satellites, weak signal, eme, and other modes.

Date: Tue, 22 Jun 1993 22:28:15 +0000
From: pipex!bnr.co.uk!demon!llondel.demon.co.uk!dave@uunet.uu.net
Subject: uk.radio.amateur now exists!
To: ham-policy@ucsd.edu

At last! Looks like uk.radio.amateur has appeared. Not sure exactly *when* cos I was on holiday when it happened, but it seems to be there now.

So, to all UK amateurs (and other interested parties) reading this - how about posting an "I'm here" message in there to get the group under way and to prove you are receiving it OK.....

Dave

* G4WRW @ GB7WRW.#41.GBR.EU AX25 * You think *you* have problems? *
* dave@llondel.demon.co.uk Internet * What do you do if you *are* *
* g4w1w@g4w1w.ampr.org Amprnet * a manically depressed robot?? *

Date: Tue, 22 Jun 93 01:54:48 CDT
From: dog.ee.lbl.gov!overload.lbl.gov!agate!howland.reston.ans.net!usc!
cs.utexas.edu!swrinde!menudo.uh.edu!jpunix!unkaphaed!amanda!
robert@network.UCSD.EDU
Subject: Unlicensed broadcasting
To: ham-policy@ucsd.edu

I received this letter in the mail Monday, and since I do not fall into his category, I can only assume I received the mailing by mistake. I am reprinting it here in the newsgroup for informational use only:

FOR IMMEDIATE RELEASE

JUNE 13, 1993

TO: LOW POWER "MICRO RADIO"

OPERATORS, ENTHUSIASTS
AND OTHERS IT MAY CONCERN

Ladies and Gentlemen:

This letter comes as an effort to familiarize you with myself, who perhaps like you, owns or would like to own a low-power FM radio broadcast station. That possibility may very soon be on the horizon, as I am currently fighting the Federal Communications Commission for your and my rights to broadcast.

Though I did not make it my career, I have always had an interest in radio broadcasting. Over the years it has become increasingly obvious that radio programming is geared only toward those topics that are commercially lucrative. Furthermore, broadcasting has evolved into a mega-buck enterprise where only the wealthy have the "right" to play! This is a far cry from the early days of radio, where many stations started out in an individual's home.

Through a good deal of research and perseverance, I managed to assemble a reasonable radio studio in a small shed in my backyard. I purchased a 1/2 watt FM transmitter and installed a hand-made antenna on a 36 foot mast. The studio contained all the necessary equipment to monitor the station's power output and frequency to assure that the station would not interfere with any other broadcaster. Using books available at the local library, I researched the FM spectrum and selected an "open" frequency where there was no chance of interfering with any licensed broadcast station. None of this was done in secrecy. I notified the media AS WELL AS the FCC of my intention to broadcast. The premise for the operation of my station, which covered an area in a radius of 2-3 miles from my home, was "community access" radio. Most of the programming was talk oriented. There were some locally produced shows featuring political commentary from both the "left" and "right." Most importantly, everyone was invited to express their opinions, or in fact, to produce their own shows!

The broadcast schedule was Sunday through Friday from 6:00 - 10:00 p.m. Of course, the FCC eventually came calling, and under the pretense of their imaginary "authority," attempted to inspect my station. This attempt was rebuffed by myself. I did agree to temporarily suspend broadcasting pending

negotiation of a manner to resume the activity free from harassment. However, the FCC attacked by a "finding" of a statutory violation of operating without a license.

Of course, most of you are aware that there is no provision for the issuance of an FCC sanctioned "low power" FM license. The FCC was not going to give an inch as I proceeded through their administrative circus of appeals. Since then, I have taken the matter to the Ninth Circuit Court of Appeals in San Francisco. The issue of low power FM broadcasting has been extensively briefed by my lawyers and is now pending the Court's review.

My legal remedies have not been exhausted, but as you can guess, I am financially exhausted. One of the reasons that the government gets away with so many tactics like this is because the average citizen can not afford to challenge the Washington bureaucrats. My attorneys view this as an exciting test case for low power FM broadcasting, one that may open the door for the responsible operation of low power FM stations. The pursuit of this case has cost me a lot of money. I owe a large balance to my attorneys, and will have great difficulty paying it on my own - if at all.

Yet look at what is at stake! The bulk of the government's defense has been to stall and attempt to dismiss. Obviously, the FCC never thought that I would fight back...so many others have merely capitulated and succumbed to the FCC's threats. Even if you do not own a low power FM radio station, or have no desire to engage in this activity, a clear victory will send a loud message to the Washington officials: WE THE PEOPLE have spoken!

With that in mind, my law firm and I have agreed to the establishment of a trust fund for the legal defense of KAPW. When money is contributed, it will be used to fund the continuing obligations/legal actions that I must maintain to obtain a Court ruling allowing me to broadcast. I now invite you to send any funds which you can spare in care of my attorneys, whose address is on the attached letter. A receipt will be send to you, as well as a note of progress as the case continues.

Your assistance will be greatly appreciated, as both myself and my attorneys think that there is the possibility of a major positive step in the direction of legitimized and legalized low power FM broadcasting. Your assistance in this cause will be greatly appreciated.

Sincerely,

Bill Dougan
Community Broadcaster
P.O. Box 47473
Phoenix, Arizona 85068

MY IMPRESSIONS:

It is truly unfortunate to see someone like Mr. Dougan, with such promising ideals for change, to throw it all away by violating Federal law with his endeavor. Since his frequency of choice is clearly in the Non-Commercial portion of the FM band, he could have sought an allocation for a new Educational station. While the FCC is granting no new Class D (10 watt) stations, a Class A station would certainly be within his reach. It would take time, effort, and money, but since he's already giving that to his attorney(s), it seems to me this would be a better investment.

In reviewing his letter, I can see that Mr. Dougan made several tragic mistakes. First of all, he went on the air, without a station license, using bogus call letters, in the first place. That was not too bright of a move. Next, he openly announced his plans to both the media (read his competition), and the FCC. This invited trouble. Third, he used bogus call letters. Yet another violation. And finally, he hired attorney(s), who have convinced him that he is the lone crusader in the broadcasting world, and this will send a loud message to Washington. Of course they're going to tell him that - they are in business to sell their services to him!

In conclusion, I think Mr. Dougan has no conception of WHY the FCC has established rules and regulations to govern the efficient use of our airwaves. Furthermore, I believe Mr. Dougan has absolutely no idea WHAT the FCC can do to him for openly violating Federal law. However, I have never yet underestimated the power of human stupidity.

--Robert

Date: 22 Jun 93 13:23:38 GMT

From: flop.ENGR.ORST.EDU!gaia.ucsf.orst.edu!skyking.oce.orst.edu!
stanley@RUTGERS.EDU
To: ham-policy@ucsf.edu

References <C8z8rp.3AJ@cbnews.cb.att.com>, <204so8\$dn0@news.acns.nwu.edu>,
<C90suq.18z@cbnews.cb.att.com>t.edu
Subject : Re: First Amendment and NQ0I was Re: Childish posts on the NQ01 case:

In article <C90suq.18z@cbnews.cb.att.com> n8afd@cbnews.cb.att.com
(carl.h.bohman..jr) writes:
>Your missing my whole point, there ***cannot exist*** a balance between
>CCRs and what you sign away. You are guaranteed these rights in the Bill
>of Rights unconditionally.

Only if you don't give them up. E.g., waive your right to an attorney
prior to questioning, allow police to search your home without a search
warrant, join the military.

>Maybe I'm missing some fine lawyer point (I am not a lawyer), but how can
>a contract that abridges your free speech rights be enforced?

In a court of law, or a military court.

Date: 22 Jun 93 16:57:11 CDT
From: usc!howland.reston.ans.net!ux1.cso.uiuc.edu!uwm.edu!linac!uchinews!raistlin!
timbuk.cray.com!walter.cray.com!craywr!wws@network.UCSD.EDU
To: ham-policy@ucsf.edu

References <C8KHpI.8Dv@HAN.Paramax.COM>, <1vm2f5\$q6u@hp-col.col.hp.com>,
<C8q7EA.Fzp@inews.intel.com>tlin
Subject : Re: NQ0I Loses Big PRB-1 Antenna Case

In article <C8q7EA.Fzp@inews.intel.com>, jreece@sousa.intel.com (John Reece)
writes:
|> raichel@HAN.Paramax.COM (Alan J. Raichel) writes:
|> > > re: Restrictive covenants - telling what you can and cannot do with your
|> > > property and the effect on amateur radio.
|>
|> You guys think the zoning in Boulder is tough?
|>
|> In my home town of Saratoga, CA
|> ...
|> The church applied for a variance to put a cross on top of the steeple
|> as in the original steeple.
|>
|> The neighbors fought it.

|>
|> The church lost.

Although Saratoga's city council and planning is often questionable, I must come to their defense on this issue. The local ordinance is an OK compromise. You get one antenna 35 or so feet high, and no building permit required. If you get a building permit, you can have one 65' antenna structure (e.g., tower+mast). If you own more than (I think) one acre, you can have a second tower. One of the criteria for obtaining a building permit is to be a 'licensed radio amateur'.

I made this issue a condition of my offer when I bought my house. Forcing the seller and his realtor to provide me a copy of the CC+R and city ordinance. The CC+Rs were interesting in that they prohibited blacks and asians (unless being employed as domestics), obviously illegal nowadays, but no antenna restrictions.

I think that new CC+Rs are written the way they are due to cooperation with the cable TV companies. ("Hey Mr. Developer - put these restrictions against TV antennas in your CC+Rs and I will wire the houses for free..."). Later on, clueless neighbors and planning boards get to defend the cable TV companies' monopoly - screwing hams, and themselves, in the process...

Walt

Walt Spector
(www@renaissance.cray.com)
Sunnyvale, California

..- ..- -.- ..-

Date: Tue, 22 Jun 1993 16:22:47 GMT
From: usc!howland.reston.ans.net!darwin.sura.net!emory!rsiatl!ke4zv!
gary@network.UCSD.EDU
To: ham-policy@ucsd.edu

References <1993Jun17.200211.5617@leland.Stanford.EDU>,
<1993Jun18.135615.9568@ke4zv.uucp>, <1993Jun18.170233.1498@leland.Stanford.EDU>
Reply-To : gary@ke4zv.UUCP (Gary Coffman)
Subject : Re: NQ0I Case: A Proposal for Action

In article <1993Jun18.170233.1498@leland.Stanford.EDU> paulf@umunhum.stanford.edu (Paul Flaherty) writes:

>In article <1993Jun18.135615.9568@ke4zv.uucp> gary@ke4zv.UUCP (Gary Coffman) writes:

>>Just because we gained some slivers at HF doesn't mean we're winning. That's
>>the most useless spectrum, even the SW broadcasters are talking about

>>moving to satellite DAB.

>

>Aren't we being just a tad bit subjective there? From an operational point
>of view, "useless" means "nobody uses it", and I'm willing to bet that the
>number of ops who use those "tiny slivers" greatly exceeds the number of
>folks who use 902-928.

Useless means nobody uses it for anything useful. DXing doesn't qualify. :-)

Gary

--

Gary Coffman KE4ZV		You make it,		gatech!wa4mei!ke4zv!gary
Destructive Testing Systems		we break it.		uunet!rsiatl!ke4zv!gary
534 Shannon Way		Guaranteed!		emory!kd4nc!ke4zv!gary
Lawrenceville, GA 30244				

Date: Tue, 22 Jun 1993 11:20:47 GMT

From: usc!math.ohio-state.edu!uwm.edu!linac!att!cbnewsk!n8afd@network.UCSD.EDU

To: ham-policy@ucsd.edu

References <randall.740451861@moose>, <C8z8rp.3AJ@cbnewsk.cb.att.com>,

<204so8\$dn0@news.acns.nwu.edu>p

Subject : Re: First Amendment and NQ0I was Re: Childish posts on the NQ01 case:

Your missing my whole point, there ***cannot exist*** a balance between
CCRs and what you sign away. You are guarenteed these rights in the Bill
of Rights unconditionally. This in my opinion makes CCRs void in the
first place since they are an illegal contract. Aren't illegal contracts
unenforceable?

Maybe I'm missing some fine lawyer point (I am not a lawyer), but how can
a contract that abridges your free speech rights be enforced?

End of Ham-Policy Digest V93 #203
